TL3859

amnesty international
INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
United Kingdom

URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 21/26/91
Distr: UA/SC

UA 408/91 Legal Concern/Fear of Torture

22 November 1991

Indonesia/East Timor	Avelino Coelho	Joao
	Sergio	Jose Amorin
	Francisco Cunha	Joao
	Antonio Goncalves	Joao Camera Freitas
	Egas Monteiro	Jose Luis
	Gregorio	Ilidio and others
	Agapito	

Dozens of East Timorese youths were detained by police during a peaceful pro-independence demonstration in Jakarta on 19 November. According to the police, they have been have been charged with expressing "feelings of hostility, hatred or contempt toward the Indonesian Government" under Articles 154 and 155 of the Criminal Code. In contravention of the Indonesian Code of Criminal Procedure (KUHAP), Police authorities have refused the prisoners access to lawyers and relatives until they have finished interrogating them. Amnesty International is concerned that this increases the risk that they may be subjected to ill-treatment or torture.

Amnesty International believes that some or all of those detained may be prisoners of conscience. It is calling on the Indonesian authorities to release immediately and unconditionally anyone held solely for their political activities or beliefs and, in the interim, to grant immediate access to lawyers and relatives to those in detention.

The demonstrators went first to the office of the United Nations Information Office on Jalan Thamrin. Unable to enter the premises to present a statement addressed to the UN Secretary General, they instead read it aloud outside the gate. With banners and signs calling for a referendum on East Timor's political future and for inquiries into the 12 November massacre at Santa Cruz Cemetery, Dili, they proceeded to the Embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them onto three waiting vehicles. Two foreign journalists at the scene were taken aside by security forces and questioned about their links to the demonstrators before being released.

Military authorities initially denied that any demonstrators had been detained, but independent sources said that at least 35 people, and possibly as many as 70, had been held at the Metropolitan Jakarta Police Station. Amnesty International has so far learned the names of 13 (listed above) said to have been held. A team of four human rights advocates and lawyers who tried to visit the detainees at the Metropolitan Jakarta Police Station on 22 November, were told by police authorities that they could not do so until the police had finished interrogating the suspects. The police told them that some of the detainees might be released within a few days, and that they might be permitted to visit those still in custody on Monday 25 November, six days after the detainees were arrested.

BACKGROUND INFORMATION

About 100 people were killed and scores were wounded when Indonesian security forces opened fire for several minutes on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others were badly beaten during the incident. The victims, many of them school students and other young people, were among an estimated 3,000 people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding. At least 42

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*. It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners*.

people, and possibly as many as 300, have subsequently been detained, and some have reportedly been tortured and killed in police and military custody. According to one report, between 60 and 80 detainees, including witnesses of the Santa Cruz massacre, were taken from various prisons in Dili on 15 November, driven to a spot several miles outside the town, shot and buried in unmarked graves.

These events are only the most recent in a pattern of serious human rights violations by Indonesian security forces in East Timor since they invaded the former Portuguese colony in 1975. A pattern of short-term detention, ill-treatment and torture of political detainees in East Timor has worsened in the last year. More than 400 people have been detained since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions, and there are hundreds of unresolved cases of "disappearance".

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:
- expressing concern that at least 35 and possibly as many 70 East Timorese youths were held in incommunicado detention in Jakarta after being arrested at a peaceful demonstration;

- expressing concern at police statements that the detainees could not be seen by lawyers until the police had finished interrogating them;

- urging the authorities to ensure that the detainees are treated humanely while in detention and allowed proper access to relatives and lawyers;

- stating that the detainees appear to be being held in violation of their right to express non-violent political views, and that the charges against them appear to be in violation of international human rights law;

- calling on the government to release all those detained solely for the peaceful expression of their political views or activities.

APPEALS TO

1. Minister of Justice:
Let. Ismail Saleh **Your Excellency**
Jalan Rasuna Said, Kav 6-7
Kuningan, Jakarta Selatan, Indonesia
Telegrams: Justice Minister, Jakarta, Indonesia
Telexes: 44404 DITJENIM IA
Faxes: + 62 21 32 1625

2. Chief of the National Police:
General Kunarto **Dear General**
Kepala Kepolisian RI
Markas Besar Kepolisian RI
Jl. Trunojoyo 13
Kebayoran Baru, Jakarta Selatan, Indonesia
Telegrams: General Kunarto, Kepala Kepolisian RI, Jakarta, Indonesia

3. Personal Secretary to Jakarta Chief of Police:
Sespri Kapolda Jaya **Dear Letko Tryono S.**
Letkol Tryono S.
Markus Besar Kepolisian Jaya
Jakarta, Indonesia
Telegrams: Sespri Kapolda Jaya, Kepala Kepolisian RI, Jakarta, Indonesia

4. Director General of Corrections:
Prof Dr Baharuddin Lopa **Dear Sir**
Department of Justice
Jl. Veteran No. 11, Jakarta Pusat,
Indonesia
Telegrams: Director General of Corrections, Justice Department, Jakarta, Indonesia
Faxes: + 62 21 32 1625

COPIES TO:

Yayasan Lembaga Bantuan Hukum Indonesia
(Indonesian Legal Aid Foundation)
Jl. Diponegoro 74
Jakarta 10320, Indonesia

Jakarta Post (newspaper)
PO Box 85
Jakarta 11001, Indonesia
Faxes: + 62 21 549 2685

and to diplomatic representatives of Indonesia in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 January 1992.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.